

New Hampshire
State Board of Education
Minutes of the February 18, 2015 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:00 a.m. at the Department of Education, 101 Pleasant Street, Concord, NH. Tom Raffio presided as Chairman.

Members present: Tom Raffio, Bill Duncan, Cindy C. Chagnon, Gary Groleau, Helen G. Honorow, and Emma Rous. Virginia M. Barry, Commissioner of Education, and Paul K. Leather, Deputy Commissioner of Education, were present.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Emma Rous led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

Kelly Tracy and Melanie Osgood, parents from Goshen, spoke about the Goshen-Newport Tuition Agreement. A petition signed by Goshen residents to the Board requested that the Board not approve the tuition agreement that the Goshen School Board has entered into with the Newport School District was submitted along with the tuition agreement. They said the contract was executed without sitting down with other schools to discuss it. There are forty-five students involved and thirty-three students wanted to go back to Lempster. The Goshen School Board voted to make the decision and pull choice from the parents. There was limited choice that K-6 go to Newport. They felt that that school choice was pulled out from under the parents and that other schools were never considered. The students education plans were not being considered and that sixty-seven students represent the forty-five signatures.

Chairman Raffio said that the Board may remove this contract from the consent agenda as parents have concerns regarding the process.

AGENDA ITEM IV. OPEN BOARD DISCUSSION

A. Update on Charter Schools – Chairman Raffio said there are twenty-two charter schools. Bill Duncan said that HB 625 regarding the charter authorizing process has been retained for further discussion through this summer.

1. Charter School Matrix – Keith Burke reported that the dashboard is moving forward on schedule.

B. Discussion on Strategic Items – Goals – The goals will be reviewed and discussed at the Board Retreat on March 4th.

C. Miscellaneous – The Coalition for Business and Education Steering Committee will meet on February 19.

Bill Duncan reported that there are two new education nonprofits involved in the “Ready for Life” higher education project. Details are being developed for funding. The New Hampshire Learning Initiatives is being developed by Commissioner Barry, Deputy Commissioner Leather, and Bill Duncan in conjunction with 2Revolutions and the NH Charitable Foundation and is being supported by the NH Coalition of Business and Education. A message needs to be conveyed that we are proud of the quality of education that New Hampshire students are receiving. Money needs to be raised to further learning initiatives, not only for PACE but other competency-based education initiatives, for STEM development, and for Early Childhood development. In terms of the STEM Task Force, right now the group is identifying “Year of STEM activities,” and we will need to look at the Board’s next steps. It was decided to discuss this at the Retreat.

Cindy Chagnon said she had attended the Career and Technical Education meeting. There is a lot of shared information in Region 17 that should be shared throughout the state.

State Board members have been testifying at legislative hearings. Chairman Raffio said that Delta Dental is sponsoring a table at the New England Board of Higher Education event, scheduled for March 13 in Boston.

AGENDA ITEM V. SPECIAL PRESENTATIONS

A. Amendments to Rochester-Wakefield AREA Agreement – Michael Tursi, Superintendent of Schools for SAU #64 (Milton and Wakefield) was present and spoke to this item. The Rochester-Wakefield Planning Review Committee has submitted amendments to the AREA plan for approval of the State Board of Education. RSA 195-A:14,I permits a review of an AREA agreement after the first three years of operating responsibility. It shall be the duty of the review board to consider the effectiveness of the area school plan as a method for providing improved educational services. RSA 195-A:14,II also requires the State Board to review the proposed changes to this agreement prior to submission to the voters at a school district meeting for the purpose of applying the standards set forth in RSA 195-A:2 and shall also consider the capacity of each school district which would be affected by the adoption of the amended area school plan to successfully discharge the educational and financial responsibilities which would result from such adoption. If the State Board finds that the adoption of the amended area school plan would be in the best interests of the state and of the school districts affected thereby, it shall so notify the school board of each such school district. If the Board approves the amended agreement, the local voters in Wakefield will be able to vote on it at their annual school district meeting and the Rochester City Council will vote.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education approve the amended AREA Agreement between Rochester and Wakefield, and that the amended agreement be placed on the school district warrants in Rochester and Wakefield for a vote at their annual meeting.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Hollis-Brookline Cooperative School District Apportionment Change
 Andrew Corey, Superintendent of Schools for SAU #41 (Hollis and Brookline) was present. The State Board accepts the records submitted by the Hollis-Brookline Cooperative School District that documents evidence of a change in the apportionment formula for operating costs that were approved by the January 12, 2015 special school district meeting and issue a certificate to provide conclusive evidence of lawful adoption of the change in apportionment formula. At the January 12, 2015 special school district meeting of the Hollis-Brookline Cooperative School District, the warrant article was approved by a vote of 672-351 to change the apportionment formula for the allocation of operating expenses in the cooperative school district to an alternative method of apportioning operating costs, pursuant to RSA 195:14-a. The change is to apportion total operating expense 95% Average Daily Membership and 5% Equalized Valuation and principal and interest of bonds on 100% equalized valuation. Issuance of the certificate by the State Board of Education will provide the district with conclusive evidence of lawful adoption of a change in the Hollis-Brookline Cooperative School District apportionment formula for operating expenses.

MOTION: Bill Duncan made the motion, seconded by Cindy Chagnon, that the State Board of Education, having found that the vote was properly noticed and the necessary approval by the voters having been obtained, does now issue its certificate to the Hollis-Brookline Cooperative School District.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

D. Request for Rehearing – Teacher/Governor Wentworth Board – SB-FY-14-06-017 - Ester Kane-Dickenson, Esq., representing the Teacher, and Barbara Loughman, Esq., representing the School Board, were present. Chairman Raffio asked if the parties would like the hearing held in public or nonpublic. They elected to hold it in public session. This item is to consider the party's request for Rehearing and Reconsideration. This request is regarding non-renewal of a teacher. At the December 16, 2014 meeting the Board voted to accept the Hearing Officer's Report and adopt the Hearing Officer's Recommendation. On January 15, 2015 the Teacher submitted a Motion for Rehearing and Reconsideration. On January 26, 2015 the Governor Wentworth Regional School Board submitted its Objection to Teacher Motion for Rehearing/Reconsideration.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education deny the motion for rehearing and reconsideration.

VOTE: This was done by a roll call vote: - Emma Rous – Yes; Cindy Chagnon – No; Tom Raffio – No; Bill Duncan – Yes; Helen Honorow – Yes. The motion was adopted by a 3 – 2 vote of the Board present, with the Chairman voting.

E. Public Rulemaking Hearing on Ed 506.05, Ed 614.13 and Ed 505.03(c), Curriculum Administrator – Chairman Raffio opened the hearing at 11:00 a.m. Ed 505.03(e) describes alternative certification requirements. In alternative 3C demonstrated competencies and equivalent experiences for administrators adds curriculum administration to the list. Ed 506.05 and Ed 614.13 provide certification and teacher preparation program guidelines for curriculum administrator who directs the curriculum, instruction and assessment activities of a school district or administrative unit. These rules are being updated to reflect current standards and practices. There was no testimony at this hearing. Chairman Raffio closed the hearing at 11:30 a.m.

F. Public Rulemaking Hearing on Ed 1200, Child Restraint - Chairman Raffio opened the hearing at 11:30 a.m. Chairman Raffio mentioned that there was a night hearing scheduled for February 19 at 5:30 p.m. here at the Department. Ed 1200 sets up a process for filing a complaint with the Department of Education for use of an improper restraint. It also sets up a procedure for the investigation of these improper restraints. These rules are being readopted to update them to be consistent with the changes for the passage of Chapter 324 of the Laws of 2014, (SB 196). These changes include a new procedure for filing a complaint and the investigation of complaints. Michael Skibbie, Bonnie Dunham, Laura Hainey, and Jennifer Bertrand testified. Chairman Raffio closed the hearing at 12 noon.

AGENDA ITEM VI. NEW DEPARTMENT BUSINESS

There was no New Department Business.

AGENDA ITEM VII. LEGISLATIVE ISSUES

A. Final Proposal for Ed 318, Charter Schools and Open Enrollment – A vote is needed by the Board to adopt the Final Proposal for Ed 318, Charter Schools, and Ed 319, Open Enrollment Schools. The Department has made changes to the draft final proposal in response to comments from the public and from the Administrative Rules Office staff attorney. The changes for the Board to still consider in adopting the final proposal are included in the Executive Summary. The Final Proposal will be submitted to the JLCAR for its review. After their public hearing and approval by the JLCAR, the Board may then adopt the final rule at its next regularly scheduled meeting.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education adopt the Final Proposal for Ed 318, Charter Schools, and Ed 319, Open Enrollment Schools.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Adopted Rule for Ed 507.06, School Counseling Director, Ed 507.07, School Counselor, Ed 507.08, School Psychologist, Ed 614.03, Comprehensive School Counseling Programs, and Ed 614.06, School Psychologists – A vote is needed by the Board to adopt this rule filing 2014-117. The Office of Legislative Services has determined the rules have been amended in accordance with RSA 541-A:13,V(a), the Board may now adopt the rule.

MOTION: Emma Rous made the motion, seconded by Cindy Chagnon, that the State Board of Education adopt this rule filing 2014-117 which includes: Ed 507.06, School Counseling Director, Ed 507.07, School Counselor, Ed 507.08, School Psychologist, Ed 614.03, Comprehensive School Counseling Programs, and Ed 614.06, School Psychologists.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

C. Initial Proposal for Ed 506.09, School Nurse Certification – A vote is needed by the Board to enter the rulemaking process to adopt the initial proposal for Ed 506.09, School Nurse Certification. The Association for School Nurses has been working with the Commissioner to develop standards for registered nurses in a school setting. These rules will require a person to be a registered nurse at a bachelor's degree or higher and have three years current experience in pediatric nursing or other related nursing areas. The Professional Standards Board has also reviewed these rules for compliance with certification in Education. If the Board adopts the initial proposal, the Department will enter the rulemaking process by filing it with the JLCAR, along with a request for a fiscal impact statement. The Board will hold a public hearing at its April meeting. This information will be published in the Rulemaking Register next month. No significant adjustment to salary was perceived.

MOTION: Bill Duncan made the motion, seconded by Cindy Chagnon, that the State Board of Education adopt the Initial Proposal for Ed 506.09, School Nurse and also that the Board will hold a public hearing on this filing for April 22, 2015 at 11:00 a.m.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

D. Removed from Agenda

E. HB 581 – Requiring Schools to Continue the Education of A Child During the Child's Suspension or Expulsion – HB 581 had bipartisan sponsorship with the support of a coalition of agencies, including the Youth Law Project of NH Legal Assistance, Child and Family Services, and Kids Count. The goal is to keep kids engaged with their education, reduce the dropout rate, and move away from punitive zero-tolerance policies toward more positive interventions. The State Board voted to ask the Department to work with the bill sponsors and LBA to revise the fiscal note. Bill Duncan has been reviewing the Department's suspension and expulsion data and will share some initial observations at the Board retreat.

MOTION: Tom Raffio made the motion, seconded by Cindy Chagnon, that Commissioner Barry ask the LBA to revise the fiscal note.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

F. HB 527 – Establishing Guidelines for School Districts Relative to the Use of School Resource Officers – This bill requires the State Board of Education to establish guidelines for school districts employing a school resource officer. This bill requires each school district employing a school resource officer to implement a memorandum of understanding that clearly delineates the roles and responsibilities of the law enforcement agency deploying the officer and the school staff in regard to discipline measures. Emma Rous reported on this bill. This will also be discussed at the Board Retreat.

G. Various Common Core and Related Bills – There was a discussion on the following legislative issues: SB 101 passed – this legislation is needless but worthwhile to continue to oppose. On Thursday there is a hearing on HB 471 and Chairman Raffio will provide testimony to oppose this bill. Cindy Chagnon will testify on HB 520 relative to student data. Bill Duncan will testify on HB 578. Chairman Raffio will provide testimony on HB 603 opposing this bill. Heather Gage has done a thorough job reviewing this. Bill Duncan will provide testimony opposing HB 611. Chairman Raffio distributed copies of his testimony to the House Education Committee on HB 471, HB 520, and HB 578.

Chairman Raffio said that the Manchester School District will be administering the Smarter Balanced Assessment.

Bill Duncan has developed a process to discuss legislative issues. Chairman Raffio will work with Board members electronically, as required, should testimony be needed in between Board meetings.

AGENDA ITEM VIII. COMMISSIONER'S REPORT

Commissioner Barry said that a letter was sent out to Superintendents regarding the emergency weight of snow on their buildings and the frigid temperature. Tim Carney is working on a list of contractors that the school districts could contact. The Commissioner and staff are working closely with Emergency Management and finding possible resources to assist districts.

AGENDA ITEM IX. OLD BUSINESS

There was no Old Business at this meeting.

AGENDA ITEM X. CONSENT AGENDA**A. Minutes of January 7, 2015 Meeting**

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, to adopt the Minutes of January 7, 2015 Meeting.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Tuition Agreements

1. Nottingham/Dover School Districts – A vote is needed by the Board to approve the Tuition Contract between the Nottingham School District and the Dover School District for the school year starting July 1, 2016.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education approve the Tuition Contract between the Nottingham School District and the Dover School District for the school year starting July 1, 2016 and ending June 30, 2022.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

2. Nottingham/Coe Brown Northwood Academy – A vote is needed by the Board to approve the Tuition Contract between the Nottingham School District and the Trustees of Coe-Brown Northwood Public Academy for the school year beginning July 1, 2015.

MOTION: Emma Rous made the motion, seconded by Helen Honorow, that the State Board of Education approve the Tuition Contract between the Nottingham School District and the Coe-Brown Northwood Public Academy for the school year beginning July 1, 2015 for seven years ending June 30, 2022.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

3. Tuition Contract Between Goshen-Newport School Districts

This item was removed from the consent agenda as parents have concerns regarding the process.

MOTION: Bill Duncan made the motion, seconded by Cindy Chagnon, that the State Board of Education remove the Tuition Contract between the Goshen School District and the Newport School District from the Consent Agenda as there are concerns regarding the process.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

Michele Munson, Superintendent of Schools for SAU #71 (Goshen-Lempster), and Cynthia Gallagher, Superintendent of Schools for SAU #43 (Newport), were present and answered concerns of Board members. The annual meeting for Goshen is March 7th and March 10 for Newport. Board members decided they would like to know what the vote of the districts are before voting on this item.

MOTION: Bill Duncan made the motion, seconded by Cindy Chagnon, that the State Board of Education table this item to a future Board meeting.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

4. Hooksett School District and Pinkerton Academy – A vote is needed by the Board to approve the Tuition Contract between the Hooksett School District and Pinkerton Academy

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education approve the Tuition Contract between the Hooksett School District and Pinkerton Academy for the period of one year commencing on July 1, 2016.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

C. Commissioner's Nonpublic School Advisory Council Nominations – A vote is needed to accept and approve the recommended nominations for Nonpublic School Advisory Council membership: Karen Simmons, High Mowing School, Wilton, NH and Janelle Cotnoir, Special Education Office, Department of Education. Administrative Rule Ed 406.02 requires the Nonpublic School Advisory Council to maintain membership on the Council with eleven members representing New Hampshire's nonpublic schools appointed by the Commissioner upon nomination of the Council. Approval of the nominees allows the Council to adhere to the requirements of Ed 406.02.

MOTION: Helen Honorow made the motion, seconded by Cindy Chagnon, that the State Board of Education accepts the Commissioner's appointments to the Nonpublic School Advisory Council. The appointments are Karen Simmons, High Mowing School, Wilton, NH and Janelle Cotnoir, Special Education Office, Department of Education.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

AGENDA ITEM XI. TABLED ITEMS

There were no Tabled Items.

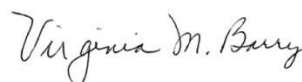
AGENDA ITEM XII. NONPUBLIC SESSION

The Board did not go into Nonpublic Session at this meeting.

AGENDA ITEM XIII – ADJOURNMENT

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, to adjourn the meeting at 1:00 p.m.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.



Secretary